

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JODI SINCLAIR
3359 Carroll Court
Bensalem, PA 19020

Plaintiff,

v.

INNOVAGE PENNSYLVANIA LIFE LLC
8950 Lowry BLVD
Denver, CO 80230

:
:
: CIVIL ACTION
:
:

No.: _____

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:
: JURY TRIAL DEMANDED
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:
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CIVIL ACTION COMPLAINT

Jodi Sinclair (*hereinafter* referred to as “Plaintiff,” unless indicated otherwise) by and through her undersigned counsel, hereby avers as follows:

INTRODUCTION

1. Plaintiff has initiated this action to redress violations by Innovage Pennsylvania Life LLC (*hereinafter* referred to as “Defendant”) of Title VII of the Civil Rights Act of 1964 (“Title VII” – 42 U.S.C. §§ 200(d) *et. seq.*), the Age Discrimination in Employment Act (“ADEA” – 29 U.S.C. §§ 621 *et seq.*) and the Pennsylvania Human Relations Act (“PHRA”).¹ As a direct consequence of Defendant’s unlawful actions, Plaintiff seeks damages as set forth herein.

¹Plaintiff intends to amend her complaint to include claims under the PHRA once her administrative remedies are fully exhausted with the Pennsylvania Human Relations Commission (“PHRC”). These claims will mirror her Title VII and ADEA claims.

JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal laws.

3. This Court may properly assert personal jurisdiction over Defendant because its contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945), and its progeny.

4. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because Defendant is deemed to reside where it is subjected to personal jurisdiction, rendering Defendant a resident of the Eastern District of Pennsylvania.

5. Plaintiff is proceeding herein (in part) under Title VII and the ADEA after properly exhausting all administrative remedies with respect to such claims by timely filing a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and by filing the instant lawsuit within ninety (“90”) days of receiving a notice of dismissal and/or right to sue letter from the EEOC.

PARTIES

6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

7. Plaintiff is an adult individual with an address as set forth in the caption.

8. Innovage Pennsylvania Life LLC is a Headquartered in Denver, Colorado. Defendant provides all-inclusive care for the elderly as an alternative to nursing facilities by

providing services that include customized healthcare and social support at Defendant's facilities located in Colorado, California, New Mexico, Pennsylvania, and Virginia. Defendant employs in total approximately 2,000 employees and serves approximately 6,500 seniors. Plaintiff was at all times based out of Defendant's Philadelphia location.

9. At all times relevant herein, Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for the Defendant.

FACTUAL BACKGROUND

10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

11. Plaintiff is a 50-year-old female.

12. Plaintiff was employed by Defendant at Defendant's Philadelphia, Pennsylvania location from approximately September of 2019 until her unlawful termination on July 24, 2020.

13. Plaintiff was at all times employed by Defendant as a Business Development Navigator (a representative for enrollment obtaining getting referrals for the life Program – a benefits program for people 55 and older).

14. During her employment with Defendant, Plaintiff was good employee and performed her job well.

15. At the time of the relevant events in question, Plaintiff was primarily supervised by Brian Fiorvanti (*hereinafter* "Fiorvanti").

16. Throughout Plaintiff's employment with Defendant, Defendant's all male management and male co-workers subjected Plaintiff to discrimination and derogatory comments because of Plaintiff's gender and treated Plaintiff less favorably than her male counterparts.

17. For example, but not intended to be an exhaustive list: (1) Defendant's management and a male co-worker, Al Romanelli (*hereinafter* "Romanelli"), treated Plaintiff in a condescending and derogatory way, regularly speaking down to Plaintiff and other female co-workers and clients (2) Romanelli would regularly call Plaintiff and other female co-workers and clients "honey," "sweetheart," and "girl" in an extremely demeaning way; (3) Romanelli would routinely steal Plaintiff's referrals, which was condoned by male management, preventing Plaintiff from reaching goals, and opening Plaintiff up to discipline and placement on a PIP; (4) female employees were disciplined or counseled for minor things, while Romanelli and other male employees were never counseled or disciplined – despite multiple complaints from referrals sources regarding Romanelli blatantly sexist and inappropriate behavior; and (5) unlike male employees, Defendant's all male management overly scrutinized and criticized Plaintiff's work and that of other females.

18. As a result of this conduct, Plaintiff reasonably felt offended and that she was being discriminated against based on her sex.

19. In addition to the harassment and discrimination Plaintiff was subjected to based on her sex, Plaintiff was also subjected to discrimination and disparate treatment because of her age. For example, younger employees who performed worse than Plaintiff and who never met their referral goals, were never disciplined or placed on PIPs. Moreover, those same low-performing, younger employees still work for Defendant.

20. Additionally, Plaintiff was subjected to discriminatory, age-related statements during her employment with Defendant. For example, on several occasions, Romanelli made derogatory comments based on Plaintiff's age and indicated that Plaintiff should just quit due to

her age, stating with “all of your years of experience” and “at your age, you should know a lot of people, so it shouldn’t be hard for you to find another job.”

21. As a result of the discrimination and harassment Plaintiff was subjected to based on her sex, Plaintiff complained to Defendant’s management and HR, including but not limited to Fiorvanti on several occasions leading up to her termination.

22. In her complaints, Plaintiff specifically identified that she believed that she was being treated differently than her male counterparts, and that Romanelli treated her in a chauvinistic and offensive manner. Plaintiff also reported that at least two female referral sources that requested that Romanelli not be their contact anymore because he was very condescending, and at least one felt very uncomfortable by his inappropriate comments.

23. Upon information and belief, Plaintiff was not the first person to raise concerns about Romanelli’s treatment towards women as there are believed to be multiple other female employees and referral sources who have raised similar concerns to Defendant’s management about Romanelli.

24. Defendant failed to address Plaintiff’s complaints in any meaningful way and, upon information and belief, Romanelli was not disciplined or counseled for his conduct.

25. Instead of addressing Plaintiff’s concerns, Fiorvanti and other members of male management placed Plaintiff on a corrective action plan, and informed that Plaintiff needed to show immediate improvement. Fiorvanti also informed Plaintiff that he didn’t see Plaintiff doing any better by the end of the month, and that Plaintiff “shouldn’t get [her] hopes up,” because he didn’t “see [her] being here at the end of the month.”

26. Defendant made no attempt to ensure that Plaintiff would not have to encounter or interact with Romanelli following Plaintiff's complaints against him. Instead, Plaintiff continued to be subject to discriminatory and derogatory comments from Romanelli.

27. On or about July 24, 2020, in extremely close proximity to Plaintiff's most recent complaints of gender discrimination and other violations to Defendant's management and HR, Plaintiff was abruptly terminated by Defendant for not meeting referral goals.

28. Defendant's purported reason for terminating Plaintiff is completely pretextual and false because *inter alia* (1) Plaintiff consistently worked hard for Defendant and performed her job well; (2); several other younger employees and male employees did not meet their numbers but were not disciplined or terminated for same; (3) despite subjecting Plaintiff to harassment and discrimination on the basis of her sex and age, and despite having been complained about by multiple female employees and female referral sources, Romanelli remained employed with Defendant; and (4) Plaintiff was terminated in very close proximity to raising complaints of gender discrimination.

29. Plaintiff therefore believes and avers that she was subjected to a hostile work environment based on her sex and that she was ultimately terminated in retaliation for raising complaints about sex discrimination and because of her sex and age.

COUNT I

Violations of Title VII

([1] Hostile Work Environment [2] Sex Discrimination and [3] Retaliation)

30. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

31. Throughout Plaintiff's employment with Defendant, Defendant's all male management and male co-workers subjected Plaintiff to discrimination and derogatory comments because of Plaintiff's gender and treated Plaintiff less favorably than her male counterparts.

32. For example, but not intended to be an exhaustive list: (1) Defendant's management and a male co-worker, Al Romanelli (*hereinafter* "Romanelli"), treated Plaintiff in a condescending and derogatory way, regularly speaking down to Plaintiff and other female co-workers and clients (2) Romanelli would regularly call Plaintiff and other female co-workers and clients "honey," "sweetheart," and "girl" in an extremely demeaning way; (3) Romanelli would routinely steal Plaintiff's referrals, which was condoned by male management, preventing Plaintiff from reaching goals, and opening Plaintiff up to discipline and placement on a PIP; (4) female employees were disciplined or counseled for minor things, while Romanelli and other male employees were never counseled or disciplined – despite multiple complaints from referrals sources regarding Romanelli blatantly sexist and inappropriate behavior; and (5) unlike male employees, Defendant's all male management overly scrutinized and criticized Plaintiff's work and that of other females.

33. As a result of this conduct, Plaintiff reasonably felt offended and that she was being discriminated against based on her sex.

34. As a result of the discrimination and harassment Plaintiff was subjected to based on her sex, Plaintiff complained to Defendant's management and HR, including but not limited to Fiorvanti on several occasions leading up to her termination.

35. In her complaints, Plaintiff specifically identified that she believed that she was being treated differently than her male counterparts, and that Romanelli treated her in a chauvinistic and offensive manner. Plaintiff also reported that at least two female referral sources

that requested that Romanelli not be their contact anymore because he was very condescending, and at least one felt very uncomfortable by his inappropriate comments.

36. Upon information and belief, Plaintiff was not the first person to raise concerns about Romanelli's treatment towards women as there are believed to be multiple other female employees and referral sources who have raised similar concerns to Defendant's management about Romanelli.

37. Defendant failed to address Plaintiff's complaints in any meaningful way and, upon information and belief, Romanelli was not disciplined or counseled for his conduct.

38. Instead of addressing Plaintiff's concerns, Fiorvanti and other members of male management placed Plaintiff on a corrective action plan, and informed that Plaintiff needed to show immediate improvement. Fiorvanti also informed Plaintiff that he didn't see [her] doing any better by the end of the month, and that Plaintiff "shouldn't get [her] hopes up," because he didn't "see [her] being here at the end of the month."

39. Defendant made no attempt to ensure that Plaintiff would not have to encounter or interact with Romanelli following Plaintiff's complaints against him. Instead, Plaintiff continued to be subject to discriminatory and derogatory comments from Romanelli.

40. On or about July 24, 2020, in extremely close proximity to Plaintiff's most recent complaints of gender discrimination and other violations to Defendant's management and HR, Plaintiff was abruptly terminated by Defendant for not meeting referral goals.

41. Defendant's purported reason for terminating Plaintiff is completely pretextual and false because *inter alia* (1) Plaintiff consistently worked hard for Defendant and performed her job well; (2); several other male employees did not meet their numbers but were not disciplined or terminated for same; (3) despite subjecting Plaintiff to harassment and discrimination on the basis

of her sex, and despite having been complained about by multiple female employees and female referral sources, Romanelli remained employed with Defendant; and (4) Plaintiff was terminated in very close proximity to raising complaints of gender discrimination.

42. Plaintiff therefore believes and avers that she was subjected to a hostile work environment and that she was ultimately terminated in retaliation for raising complaints about same and because of her sex.

43. These actions as aforesaid constitute unlawful violations under Title VII.

COUNT II
Violation of the Age Discrimination in Employment Act (“ADEA”)
(Age Discrimination)

44. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

45. Plaintiff is a 50-year-old female.

46. Plaintiff consistently worked hard for Defendant and performed her job well.

47. Plaintiff was subjected to discrimination and disparate treatment because of her age. For example, younger employees who performed worse than Plaintiff and who never met their referral goals, were never disciplined or placed on PIPs. Moreover, those same low-performing, younger employees still work for Defendant.

48. Additionally, Plaintiff was subjected to discriminatory, age-related statements during her employment with Defendant. For example, on several occasions, Romanelli made derogatory comments based on Plaintiff’s age and indicated that Plaintiff should just quit due to her age, stating with “all of your years of experience” and “at your age, you should know a lot of people, so it shouldn’t be hard for you to find another job.”

49. On or about July 24, 2020, Plaintiff was abruptly terminated by Defendant for not meeting referral goals.

50. However, substantially younger employees who did not meet their numbers were not disciplined or terminated for same, even though their referral numbers were lower than Plaintiff's.

51. Therefore, Plaintiff believes and avers her termination was completely pretextual and that she was really terminated because of her age.

These actions as aforesaid constitute unlawful age discrimination under the ADEA

WHEREFORE, Plaintiff prays that this Court enter an Order providing that:

A. Defendant is to promulgate and adhere to a policy prohibiting discrimination in the future against any employee(s);

B. Defendant is to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to back pay, front pay, salary pay increases, bonuses, insurance, benefits, training, promotions, reinstatement and seniority;

C. Plaintiff is to be awarded liquidated damages and punitive damages as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;

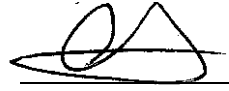
D. Plaintiff is to be accorded other equitable and legal relief as the Court deems just, proper and appropriate (including but not limited to damages for emotional distress, pain, suffering and humiliation); and

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable attorney's fees as provided by applicable federal and state law.

Respectfully submitted,

KARPF, KARPF & CERUTTI, P.C.

By:

A handwritten signature in black ink, appearing to be 'Ari R. Karpf', written over a horizontal line.

Ari R. Karpf, Esq.
Julia W. Clark, Esq.
3331 Street Road
Two Greenwood Square, Suite 128
Bensalem, PA 19020
(215) 639-0801

Dated: February 25, 2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Jodi Sinclair

v.

Innovage Pennsylvania Life LLC

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

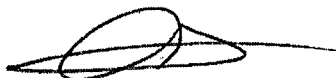
- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

2/25/2021

Date

(215) 639-0801

Telephone



Attorney-at-law

(215) 639-4970

FAX Number

Plaintiff

Attorney for

akarpf@karpf-law.com

E-Mail Address

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 3359 Carroll Court, Bensalem, PA 19020

Address of Defendant: 8950 Lowry Blvd., Denver, CO 80230

Place of Accident, Incident or Transaction: Defendant's place of business

RELATED CASE, IF ANY:

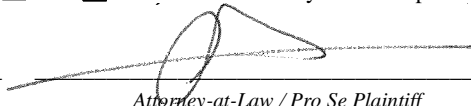
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/25/2021


Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2. FELA |
| <input type="checkbox"/> | 3. Jones Act-Personal Injury |
| <input type="checkbox"/> | 4. Antitrust |
| <input type="checkbox"/> | 5. Patent |
| <input type="checkbox"/> | 6. Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7. Civil Rights |
| <input type="checkbox"/> | 8. Habeas Corpus |
| <input type="checkbox"/> | 9. Securities Act(s) Cases |
| <input type="checkbox"/> | 10. Social Security Review Cases |
| <input type="checkbox"/> | 11. All other Federal Question Cases |
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2. Airplane Personal Injury |
| <input type="checkbox"/> | 3. Assault, Defamation |
| <input type="checkbox"/> | 4. Marine Personal Injury |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability |
| <input type="checkbox"/> | 8. Products Liability – Asbestos |
| <input type="checkbox"/> | 9. All other Diversity Cases |
- (Please specify): _____

ARBITRATION CERTIFICATION

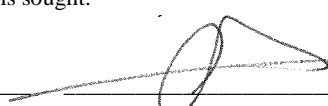
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Ari R. Karpf, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 2/25/2021


Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

